

### **REMARKS**

By this Second Preliminary Amendment, Applicants are presenting in accordance with their broad disclosure new claims 272-305 which are directed to a sugar moiety labeled nucleotide (and composition comprising same). In their September 11, 1995 Preliminary Amendment, Applicants had indicated that the claims presented therein (238-271) were narrower in scope than the prior claims in the parent application (Serial No. Serial No. 07/960,071, filed on October 13, 1992). New claims 272-305 above are directed to the sugar moiety labeled nucleotide, and, therefore, they correspond to many of the prior parent claims. Tracking of the instant new claims 272-305 with the prior parent claims (204-237) clearly shows that most of the claim language is very similar, and in most instances, is identical. Accordingly, no new matter is believed to have been inserted by any of new claims 272-305 above. Together with the claims added by their September 11, 1995 Preliminary Amendment, the total claims presented for examination include 238-305, of which claims 238 and 272 are independent.

In order to conform the title and abstract with the subject matter now being claimed, Applicants have substituted a new title above and a new abstract, the latter attached as Exhibit A.

Applicants, through their attorney, are also submitting a copy of U.S. Patent No. 5,449,767 attached as Exhibit B. This patent was just issued this date and it is referenced in the updated citations inserted by Applicants' September 11, 1995 Preliminary Amendment.

Finally, Applicants wish to inform The Patent Office and the Examiner handling their application that favorable word has been received from the European Patent Office (EPO) regarding the prosecution of European Patent Application Publication No. 0 286 898 A3. This application is based upon the priority document, U.S. Patent Application Serial No. 06/391,440, filed on June 23, 1982. In the latest Communication (January 24, 1995), the European examiner stated:

The Applicant's arguments in support of the novelty and inventiveness of the claims 1 to 17 over the disclosure in the US-A-4260737 and Cell, Vol. 9, 1976, pp. 81-90 are accepted by the Examining Division.

The claims are thus recognized as patentable.

Dean Engelhardt et al.  
Serial No.: 08/486,066  
Filed: June 7, 1995  
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Limitations of the description to the new claimed subject matter and identification of the examples relevant for the present invention is now requested.

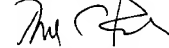
A copy of the January 24, 1995 EPO Communication is attached as Exhibit C.

Although by no means certain, a Communication Under Rule 51(4) EPC, the European equivalent of a U.S. Notice of Allowance, is expected to be issued by the EPO by the end of 1995..

The fee for new claims 272-305 is \$748.00, based upon an excess of thirty-four (34) claims above the thirty-four (34) claims previously paid. The Patent and Trademark Office is hereby authorized hereby to charge the amount of \$748.00 to Deposit Account No. 05-1135. In the event that any other fee is due, however, authorization is also hereby made to charge such other fee to Deposit Account 05-1135, or to credit any overpayment thereto.

Early and favorable action on all of the claims in this application, 238-305, is respectfully urged.

Respectfully submitted,



Ronald C. Fedus  
Registration No. 32,567  
Attorney for Applicants

ENZO DIAGNOSTICS, INC.  
c/o Enzo Biochem, Inc.  
575 Fifth Avenue (18th Floor)  
New York, New York 10017  
Telephone (212) 856-0876  
Facsimile (212) 856-0878

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